

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 87. LIABILITY ARISING FROM FARM ANIMALS

Sec. 87.001. DEFINITIONS. In this chapter:

(1) "Engages in a farm animal activity" means riding, handling, training, driving, loading, unloading, feeding, vaccinating, exercising, weaning, transporting, producing, herding, corralling, branding, or dehorning of, assisting in or providing health management activities for, assisting in the medical treatment of, being a passenger on, or assisting a participant or sponsor with a farm animal. The term includes management of a show involving farm animals and engagement in routine or customary activities on a farm to handle and manage farm animals. The term does not include being a spectator at a farm animal activity unless the spectator is in an unauthorized area and in immediate proximity to the farm animal activity.

(2) "Equine animal" means a horse, pony, mule, donkey, or hinny.

(2-a) "Farm" means any real estate, land area, facility, or ranch used wholly or partly for raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, agricultural, apicultural, or aquacultural operation.

(2-b) "Farm animal" means:

- (A) an equine animal;
- (B) a bovine animal;
- (C) a sheep or goat;
- (D) a pig or hog;
- (E) a ratite, including an ostrich, rhea, or emu;
- (F) a chicken or other fowl; or
- (G) a honeybee kept in a managed colony.

(3) "Farm animal activity" means:

- (A) a farm animal show, fair, competition, performance, rodeo, event, or parade that involves any farm animal;
- (B) training or teaching activities involving a farm animal;
- (C) owning, raising, boarding, or pasturing a

farm animal, including daily care;

(D) riding, inspecting, evaluating, handling, transporting, loading, or unloading a farm animal belonging to another, without regard to whether the owner receives monetary consideration or other thing of value for the use of the farm animal or permits a prospective purchaser of the farm animal to ride, inspect, evaluate, handle, load, or unload the farm animal;

(E) informal farm animal activity, including a ride, trip, or hunt that is sponsored by a farm animal activity sponsor or a farm owner or lessee;

(F) placing or replacing horseshoes on an equine animal;

(G) examining or administering medical treatment to a farm animal by a veterinarian;

(H) assisting in or providing animal health management activities, including vaccination;

(I) assisting in or conducting customary tasks on a farm concerning farm animals;

(J) transporting or moving a farm animal; or

(K) without regard to whether the participants are compensated, rodeos and single event competitions, including team roping, calf roping, and single steer roping.

(4) "Farm animal activity sponsor" means:

(A) a person or group who sponsors, owns, organizes, or provides the facilities for a farm animal activity, including facilities for a pony club, 4-H club, hunt club, riding club, therapeutic riding program, or high school or college class, program, or activity, without regard to whether the person operates for profit; or

(B) an owner or operator of, instructor at, or promoter for facilities, including a stable, clubhouse, pony ride string, fair, or arena at which a farm animal activity is held.

(5) "Farm animal professional" means a person engaged for compensation:

(A) to instruct a participant or rent to a participant a farm animal for the purpose of riding, driving, or being a passenger on the farm animal;

- (B) to rent equipment or tack to a participant;
- (C) to examine or administer medical treatment to a farm animal as a veterinarian or to provide nonmedical care or treatment to a farm animal, including vaccination;
- (D) to provide veterinarian or farrier services;
- (E) to assist in or provide animal health management activities, including vaccination;
- (F) to provide other care, feeding, and husbandry of farm animals;
- (G) to assist in or conduct customary tasks on a farm concerning farm animals; or
- (H) to transport or move a farm animal.

(6) "Livestock animal" means:

- (A) an animal raised for human consumption; or
- (B) a farm animal.

(6-a) "Livestock producer" means a person who owns, handles, breeds, raises, buys, sells, or feeds livestock animals.

(7) "Livestock show" means a nonprofit event at which more than two species or breeds of livestock animals are gathered for exhibition or competition.

(8) "Livestock show sponsor" means a recognized group or association that organizes and sanctions a livestock show, including a political subdivision or nonprofit organization that is exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt organization in Section 501(c)(3) of that code.

(9) "Participant" means:

(A) with respect to a farm animal activity, a person who engages in the activity, without regard to whether the person:

- (i) is an amateur or professional;
- (ii) pays for the activity or participates in the activity for free; or
- (iii) is an independent contractor or employee; and

(B) with respect to a livestock show, a person who registers for and is allowed by a livestock show sponsor to

compete in a livestock show by showing an animal on a competitive basis, or a person who assists that person.

Added by Acts 1995, 74th Leg., ch. 549, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 1108, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 896 (S.B. 479), Sec. 2, eff. June 17, 2011.

Acts 2021, 87th Leg., R.S., Ch. 219 (H.B. 365), Sec. 2, eff. September 1, 2021.

Sec. 87.002. APPLICABILITY OF CHAPTER. This chapter does not apply to an activity regulated by the Texas Racing Commission. Added by Acts 1995, 74th Leg., ch. 549, Sec. 1, eff. Sept. 1, 1995.

Sec. 87.0021. CERTAIN LABOR LAWS NOT AFFECTED. Nothing in this chapter affects the applicability of Chapter 406, Labor Code, or an employer's ability to refuse to subscribe to the workers' compensation system.

Added by Acts 2021, 87th Leg., R.S., Ch. 219 (H.B. 365), Sec. 3, eff. September 1, 2021.

Sec. 87.003. LIMITATION ON LIABILITY. Except as provided by Section 87.004, all persons, including a farm animal activity sponsor, farm animal professional, farm owner or lessee, livestock producer, livestock show participant, or livestock show sponsor, are not liable for property damage or damages arising from the personal injury or death of a participant in a farm animal activity or livestock show if the property damage, injury, or death results from the dangers or conditions that are an inherent risk of a farm animal, a farm animal activity, the showing of an animal on a competitive basis in a livestock show, or the raising or handling of livestock on a farm, including:

(1) the propensity of a farm animal or livestock animal to behave in ways that may result in personal injury or death to a person on the animal, handling the animal, or otherwise around the animal;

(2) the unpredictability of a farm animal's or livestock animal's reaction to sound, a sudden movement, or an unfamiliar object, person, or other animal;

(3) with respect to farm animal activities involving equine animals, certain land conditions and hazards, including surface and subsurface conditions;

(4) a collision with another animal or an object; or

(5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or another, including failing to maintain control over a farm animal or livestock animal or not acting within the participant's ability.

Added by Acts 1995, 74th Leg., ch. 549, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 1108, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 896 (S.B. [479](#)), Sec. 3, eff. June 17, 2011.

Acts 2021, 87th Leg., R.S., Ch. 219 (H.B. [365](#)), Sec. 4, eff. September 1, 2021.

Sec. 87.004. EXCEPTIONS TO LIMITATION ON LIABILITY. A person, including a farm animal activity sponsor, farm animal professional, farm owner or lessee, livestock show participant, or livestock show sponsor, may be liable for property damage or damages arising from the personal injury or death caused by a participant in a farm animal activity or livestock show if:

(1) the injury or death was caused by faulty equipment or tack used in the farm animal activity or livestock show, the person provided the equipment or tack, and the person knew or should have known that the equipment or tack was faulty;

(2) the person provided the farm animal or livestock animal and the person did not make a reasonable and prudent effort to determine the ability of the participant to engage safely in the farm animal activity, including a work activity, or livestock show and determine the ability of the participant to safely manage the farm animal or livestock animal, taking into account the

participant's representations of ability;

(3) the injury or death was caused by a dangerous latent condition of land for which warning signs, written notices, or verbal warnings were not conspicuously posted or provided to the participant, and the land was owned, leased, or otherwise under the control of the person at the time of the injury or death and the person knew of the dangerous latent condition;

(4) the person committed an act or omission with wilful or wanton disregard for the safety of the participant and that act or omission caused the injury;

(5) the person intentionally caused the property damage, injury, or death; or

(6) with respect to a livestock show, the injury or death occurred as a result of an activity connected with the livestock show and the person invited or otherwise allowed the injured or deceased person to participate in the activity and the injured or deceased person was not a participant as defined by Section 87.001(9)(B).

Added by Acts 1995, 74th Leg., ch. 549, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 1108, Sec. 4, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 896 (S.B. 479), Sec. 4, eff. June 17, 2011.

Acts 2021, 87th Leg., R.S., Ch. 219 (H.B. 365), Sec. 4, eff. September 1, 2021.

Sec. 87.005. WARNING NOTICE. (a) A farm animal professional or a farm owner or lessee shall post and maintain a sign that contains the warning contained in Subsection (c) if the professional, owner, or lessee manages or controls a farm, stable, corral, or arena where the professional, owner, or lessee conducts a farm animal activity. The professional, owner, or lessee must post the sign in a clearly visible location on or near the stable, corral, or arena.

(b) A farm animal professional or a farm owner or lessee shall include the warning contained in Subsection (c) in every

written contract that the professional, owner, or lessee enters into with a participant, including an employee or independent contractor, for professional services, instruction, or the rental of equipment or tack or a farm animal. The warning must be included without regard to whether the contract involves farm animal activities on or off the location or site of the business of the farm animal professional or farm owner or lessee. The warning must be clearly readable.

(c) The warning posted by a farm animal professional or a farm owner or lessee under this section must be as follows:

WARNING

UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), A FARM ANIMAL PROFESSIONAL OR FARM OWNER OR LESSEE IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT IN FARM ANIMAL ACTIVITIES, INCLUDING AN EMPLOYEE OR INDEPENDENT CONTRACTOR, RESULTING FROM THE INHERENT RISKS OF FARM ANIMAL ACTIVITIES.

(d) A livestock show sponsor shall post and maintain a sign that contains the warning prescribed by Subsection (f) if the livestock show sponsor manages or controls a stable, barn, corral, or arena at which the livestock show sponsor conducts a livestock show. The livestock show sponsor must post the sign in a clearly visible location near the stable, barn, corral, or arena.

(e) A livestock show sponsor shall include the warning prescribed by Subsection (f) in every written contract that the sponsor enters into with a livestock show participant. The warning must be clearly readable.

(f) The warning posted by a livestock show sponsor under this section must be as follows:

WARNING

UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), A LIVESTOCK SHOW SPONSOR IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT IN A LIVESTOCK SHOW RESULTING FROM THE INHERENT RISKS OF LIVESTOCK SHOW ACTIVITIES.

Added by Acts 1995, 74th Leg., ch. 549, Sec. 1, eff. Sept. 1, 1995.  
Amended by Acts 2001, 77th Leg., ch. 1108, Sec. 5, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 896 (S.B. [479](#)), Sec. 5, eff.  
June 17, 2011.

Acts 2021, 87th Leg., R.S., Ch. 219 (H.B. [365](#)), Sec. 5, eff.  
September 1, 2021.